

## CHAPTER 75.5-02-06.1 CODE OF ETHICS

### Section

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### **75.5-02-06.1-01. Ethical responsibilities to clients.**

1. **Commitment to clients.** Social workers' primary responsibility is to promote the well-being of clients. In general, clients' interests are primary. However, social workers' responsibility to the larger society or specific legal obligations may on limited occasions supersede the loyalty allowed clients, and clients shall be so advised.
2. **Self-determination.** Social workers respect and promote the right of clients to self-determination and assist clients in their efforts to identify and clarify their goals. Social workers may limit clients' rights to self-determination when, in the social workers' professional judgment, clients' actions or potential actions pose a serious, foreseeable, and imminent risk to themselves or others.
3. **Informed consent.**
  - a. Social workers shall provide services to clients only in the context of a professional relationship based, when appropriate, on valid informed consent.
  - b. In instances when clients are not literate or have difficulty understanding the primary language used in the practice setting, social workers shall take steps to ensure clients' comprehension.
  - c. In instances when clients lack the capacity to provide informed consent, social workers shall protect clients' interests by seeking permission from an appropriate third party, informing clients consistent with the clients' level of understanding.
  - d. In instances when clients are receiving services involuntarily, social workers shall provide information about the nature and extent of services and about the extent of clients' right to refuse service.
  - e. Social workers who provide services via electronic media such as computer, telephone, radio, and television shall inform recipients of the limitations and risks associated with such services.

- f. Social workers shall obtain clients' informed consent before audiotaping or videotaping clients or permitting observation of services to clients by a third party.
- 4. **Competence.** Social workers shall provide services and represent themselves as competent only within the boundaries of their education, training, license, certification, consultation received, supervised experience, or other relevant professional experience.
- 5. **Cultural competence and social diversity.** Social workers shall have a knowledge base of their clients' cultures and be able to demonstrate competence in the provision of services that are sensitive to clients' cultures and to differences among people and cultural groups.
- 6. **Conflicts of interest.**
  - a. Social workers shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. Social workers shall inform clients when a real or potential conflict of interest arises and take reasonable steps to resolve the issue in a manner that makes the clients' interests primary and protects clients' interests to the greatest extent possible.
  - b. Social workers shall not take unfair advantage of any professional relationship or exploit others to further their personal, religious, political, or business interests.
  - c. Social workers shall not engage in dual or multiple relationships with clients or former clients in which there is a risk of exploitation or potential harm to the client.
  - d. When social workers provide services to two or more people who have a relationship with each other (for example, couples, family members), social workers shall clarify with all parties which individuals will be considered clients and the nature of social workers' professional obligations to the various individuals who are receiving services.
- 7. **Privacy and confidentiality.**
  - a. Social workers shall respect clients' rights to privacy. Social workers shall not solicit private information from clients unless it is essential to providing services or conducting social work evaluation or research. Once private information is shared, standards of confidentiality apply.

- b. Social workers may disclose confidential information when appropriate with valid consent from a client or a person legally authorized to consent on behalf of a client.
- c. Social workers shall protect the confidentiality of all information obtained in the course of professional service, except for compelling professional reasons. The general expectation that social workers will keep information confidential does not apply when disclosure is necessary to prevent serious, foreseeable, and imminent harm to a client or other identifiable person or when laws or regulations require disclosure without a client's consent. In all instances, social workers shall disclose the least amount of confidential information necessary to achieve the desired purpose; only information that is directly relevant to the purpose for which the disclosure is made shall be revealed.
- d. Social workers shall inform clients, to the extent possible, about the disclosure of confidential information and the potential consequences, when feasible before the disclosure is made.
- e. Social workers shall discuss with clients and other interested parties the nature of confidentiality and limitations of clients' right to confidentiality.
- f. When social workers provide counseling services to families, couples, or groups, social workers shall seek agreement among the parties involved concerning each individual's right to confidentiality and obligation to preserve the confidentiality of information shared by others.
- g. Social workers shall inform clients involved in family, couples, marital, or group counseling of the social worker's, employer's, and agency's policy concerning the social worker's disclosure of confidential information among the parties involved in the counseling.
- h. Social workers shall not disclose confidential information to third-party payers unless clients have authorized such disclosure.
- i. Social workers shall not discuss confidential information in any setting unless privacy can be ensured.
- j. Social workers shall protect the confidentiality of clients during legal proceedings to the extent permitted by law.
- k. Social workers shall protect the confidentiality of clients when responding to requests from members of the media.

- l. Social workers shall protect the confidentiality of clients' written and electronic records and other sensitive information.
- m. Social workers shall take precautions to ensure and maintain the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology.
- n. Social workers shall transfer or dispose of clients' records in a manner that protects clients' confidentiality.
- o. Social workers shall take reasonable precautions to protect client confidentiality in the event of the social worker's termination of practice, incapacitation, or death.
- p. Social workers shall not disclose identifying information when discussing clients for teaching or training purposes unless the client has consented to disclosure of confidential information.
- q. Social workers shall not disclose identifying information when discussing clients with consultants unless the client has consented to disclosure of confidential information or there is a compelling need for such disclosure.
- r. Social workers shall protect the confidentiality of deceased clients consistent with the preceding standards.

**8. Access to records.**

- a. Social workers shall provide clients with reasonable access to records concerning the clients.
- b. When providing clients with access to their records, social workers shall take steps to protect the confidentiality of other individuals identified or discussed in such records.

**9. Sexual relationships.**

- a. Social workers shall under no circumstances engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced.
- b. Social workers shall not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of exploitation or potential harm to the client.

- c. Social workers shall not engage in sexual intimacies with former clients within a minimum of two years after terminating the client-worker relationship. Social workers who engage in such a relationship after two years following termination have the responsibility to thoroughly examine and document that such relations did not have an exploitative nature, based on factors such as duration of client-worker relationship, amount of time since the client-worker relationship, termination circumstances, client's personal history and mental status, adverse impact on the client, and actions by the social worker suggesting a plan to initiate a sexual relationship with the client after termination.
  - d. Social workers shall not provide clinical services to individuals with whom they have had a prior sexual relationship.
- 10. **Physical contact.** Social workers shall not engage in physical contact with clients when there is a possibility of psychological harm to the client as a result of the contact.
- 11. **Sexual harassment.** Social workers shall not sexually harass clients. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- 12. **Derogatory language.** Social workers shall not use derogatory language in their written or verbal communications to or about clients. Social workers shall use accurate and respectful language in all communications to and about clients.
- 13. **Payment for services.**
  - a. When setting fees, social workers shall ensure that the fees are fair, reasonable, and commensurate with the services performed.
  - b. Social workers shall not solicit a private fee or other remuneration for providing services to clients who are entitled to such available services through the social workers' employer or agency.
- 14. **Clients who lack decisionmaking capacity.** When social workers act on behalf of clients who lack the capacity to make informed decisions, social workers shall take reasonable steps to safeguard the interests and rights of those clients.

**History:** Effective April 1, 1998.

**General Authority:** NDCC 43-41-09

**Law Implemented:** NDCC 43-41-09

## **75.5-02-06.1-02. Ethical responsibilities to colleagues.**

### **1. Respect.**

- a. Social workers shall treat colleagues with respect and shall represent accurately and fairly the qualifications, views, and obligations of colleagues.
- b. Social workers shall cooperate with social work colleagues and with colleagues of other professions when such cooperation serves the well-being of clients.

### **2. Confidentiality.** Social workers shall respect confidential information shared by colleagues in the course of their professional relationships and transactions.

### **3. Disputes involving colleagues.**

- a. Social workers shall not take advantage of a dispute between a colleague and an employer to obtain a position or otherwise advance the social workers' own interests.
- b. Social workers shall not exploit clients in disputes with colleagues or engage clients in any inappropriate discussion of conflicts between social workers and their colleagues.

### **4. Consultation.** Social workers shall seek the advice and counsel of colleagues whenever such consultation is in the best interests of clients.

### **5. Referral for services.**

- a. Social workers shall refer clients to other professionals when the other professionals' specialized knowledge or expertise is needed to serve clients fully or when social workers believe they are not being effective or making reasonable progress with clients and additional service is required.
- b. Social workers are prohibited from giving or receiving payment for a referral when no professional service is provided by the referring social worker.

### **6. Sexual relationships.**

- a. Social workers who function as supervisors or educators shall not engage in sexual activities or contact with supervisees, students, trainees, or other colleagues over whom they exercise professional authority.

- b. Social workers shall not engage in sexual relationships with colleagues when there is potential for a conflict of interest. Social workers who become involved in, or anticipate becoming involved in, a sexual relationship with a colleague have a duty to transfer professional responsibilities, when necessary, to avoid a conflict of interest.
- 7. **Sexual harassment.** Social workers shall not sexually harass supervisees, students, trainees, or colleagues. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- 8. **Impairment of colleagues.** Social workers who have direct knowledge that a social work colleague's impairment interferes with practice effectiveness and that the colleague has not taken adequate steps to address the impairment shall make a report to the North Dakota board of social work examiners.
- 9. **Incompetence of colleagues.** Social workers who have direct knowledge that a social work colleague is incompetent and has not taken adequate steps to address the incompetence shall make a report to the North Dakota board of social work examiners.
- 10. **Unethical conduct of colleagues.**
  - a. Social workers shall take adequate measures to discourage, prevent, expose, and correct the unethical conduct of colleagues.
  - b. The social worker who has direct knowledge of a social work colleague's unethical behavior shall make a written report to the North Dakota board of social work examiners.

**History:** Effective April 1, 1998.

**General Authority:** NDCC 43-41-09

**Law Implemented:** NDCC 43-41-09

#### **75.5-02-06.1-03. Ethical responsibilities in practice settings.**

- 1. **Administration and management.**
  - a. Social workers shall maintain respect for institutional policies and management functions of the agencies within which services are being performed.
  - b. Social workers will take initiative toward improving such policies when it will better serve the interests of the client.
- 2. **Supervision and consultation.**

- a. Social workers shall not engage in any dual or multiple relationships with supervisees in which there is a risk of exploitation of or potential harm to the supervisee.
  - b. Social workers who provide supervision shall evaluate supervisees' performance in a manner that is fair and respectful.
3. **Education and training.**
- a. Social workers who function as educators or field instructors for students shall evaluate students' performance in a manner that is fair and respectful.
  - b. Social workers who function as educators or field instructors for students shall take reasonable steps to ensure that clients are routinely informed when services are being provided by students.
  - c. Social workers who function as educators or field instructors for students shall not engage in any dual or multiple relationships with students in which there is a risk of exploitation or potential harm to the student.
4. **Performance evaluation.** Social workers who have responsibility for evaluating the performance of others shall fulfill such responsibility in a fair and considerate manner and on the basis of clearly stated criteria.
5. **Client records.** Social workers shall take reasonable steps to ensure documentation in records is accurate, timely, and reflects the services provided.
6. **Billing.** Social workers shall establish and maintain billing practices that accurately reflect the nature and extent of services provided and that identify who provided the service in the practice setting.

**History:** Effective April 1, 1998; amended effective February 1, 2004.

**General Authority:** NDCC 43-41-09

**Law Implemented:** NDCC 43-41-09

**75.5-02-06.1-04. Ethical responsibilities as professionals.**

- 1. **Discrimination.** Social workers shall not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, or mental or physical disability.
- 2. **Private conduct.** Social workers shall not permit their private conduct to interfere with their ability to fulfill their professional responsibilities.



3. **Dishonesty, fraud, and deception.** Social workers shall not participate in, condone, or be associated with dishonesty, fraud, or deception.
4. **Impairment.** Social workers whose personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties interfere with their professional judgment and performance shall immediately seek consultation and take appropriate remedial action by seeking professional help, making adjustments in workload, terminating practice, or taking any other steps necessary to protect clients and others.
5. **Misrepresentation.**
  - a. Social workers shall make clear distinctions between statements made and actions engaged in as a private individual and as a representative of the social work profession, a professional social work organization, or the social worker's employing agency.
  - b. Social workers shall ensure that their representations to clients, agencies, and the public of professional qualifications, credentials, education, competence, affiliations, services provided, or results to be achieved are accurate.
6. **Solicitations.**
  - a. Social workers shall not engage in uninvited solicitation of potential clients who, because of their circumstances, are vulnerable to undue influence, manipulation, or coercion.
  - b. Social workers shall not engage in solicitation of testimonial endorsements, including solicitation of consent to use a client's prior statement as a testimonial endorsement, from current clients or from other people who, because of their particular circumstances, are vulnerable to undue influence.
7. **Acknowledging credit.** Social workers shall take responsibility and credit, including authorship credit, only for work they have actually performed and to which they have contributed.

**History:** Effective April 1, 1998.

**General Authority:** NDCC 43-41-09

**Law Implemented:** NDCC 43-41-09

#### **75.5-02-06.1-05. Ethical responsibilities to the social work profession.**

1. **Integrity of the profession.** Social workers shall act to prevent the unauthorized and unqualified practice of social work.
2. **Evaluation and research.**

- a. Social workers engaged in evaluation or research shall carefully consider possible consequences and shall follow guidelines developed for the protection of evaluation and research participants. Appropriate institutional review boards shall be consulted.
- b. Social workers engaged in evaluation or research shall obtain voluntary and written informed consent from participants, when appropriate, without any implied or actual deprivation or penalty for refusal to participate; without undue inducement to participate; and with due regard for participants' well-being, privacy, and dignity. Informed consent shall include information about the nature, extent, and duration of the participation requested and disclosure of the risks and benefits of participation in the research.
- c. When evaluation or research participants are incapable of giving informed consent, social workers shall provide an appropriate explanation to the participants, obtain the participants' assent to the extent they are able, and obtain written consent from an appropriate proxy.
- d. Social workers shall never design or conduct evaluation or research that does not use consent procedures, such as certain forms of naturalistic observation and archival research, unless rigorous and responsible review of the research has found it to be justified because of its prospective scientific, educational, or applied value and unless equally effective alternative procedures that do not involve waiver of consent are not feasible.
- e. Social workers shall inform participants of their right to withdraw from evaluation and research at any time without penalty.
- f. Social workers shall take appropriate steps to ensure that participants in evaluation and research have access to appropriate supportive services.
- g. Social workers engaged in evaluation or research shall protect participants from unwarranted physical or mental distress, harm, danger, or deprivation.
- h. Social workers engaged in the evaluation of services shall discuss collected information only for professional purposes and only with people professionally concerned with this information.
- i. Social workers engaged in evaluation or research shall ensure the anonymity or confidentiality of participants and of the data obtained from them. Social workers shall inform participants of any limits of confidentiality, the measures that will be taken to

ensure confidentiality, and when any records containing research data will be destroyed.

- j. Social workers who report evaluation and research results shall protect participants' confidentiality by omitting identifying information unless proper consent has been obtained authorizing disclosure.
- k. Social workers shall report evaluation and research findings accurately. They shall not fabricate or falsify results and shall take steps to correct any errors later found in published data using standard publication methods.
- l. Social workers engaged in evaluation or research shall be alert to and avoid conflicts of interest and dual relationships with participants, shall inform participants when a real or potential conflict of interest arises, and shall take steps to resolve the issue in a manner that makes participants' interests primary.
- m. Social workers shall educate themselves, their students, and their colleagues about responsible research practices.

**History:** Effective April 1, 1998.

**General Authority:** NDCC 43-41-09

**Law Implemented:** NDCC 43-41-09